IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 22040 of 1995

Between:

Kudaravalli Mohan Krishna alias Basavaiah, S/o.Nageswara Rao,
aged about 41 years, Occ: Social Worker and Ward Member,

R/o.H.No.12-90, Srinivasa Nagar, Kodad (M), Nalgonda District.

..... PETITIONER

AND

1.The Executive Officer, Gram Panchayat, Kodad,
Nalgonda District.
2.The Mandal Revenue Officer, Kodad Mandal, Nalgonda District.
3.The Deputy Executive Engineer (R&B),
Huzurnagar, Nalgonda District.
4.Mr.Mellacheruvu Shankar Rao, S/o. M.Rangaiah,
R/o. Kodad, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to ISSUE A WRIT OF MANDAMUS OR OTHER APPROPRIATE ORDER OR DIRECTION IN THE NATURE OF A WRIT DIRECTING THE RESPONDENTS HEREIN TO STOP THE ILLEGAL AND UNAUTHORISED CONSTRUCTION GOING ON A GRAM PANCHAYAT SITE(BREENBELT) AREA AND R&B ROAD BOUNDRY AT KODAD AND DECLARE THE PERMISSION SAID TO HAVE BEEN GRANTED BY THE R1 AND THE SAID CONSTRUCTION AS ILLEGAL AND DEMOLISH THESAM AFTER DECLARING THE INACTION OF THE RESPONDENTS IN TAKING ACTION AGAINST THE SAID ILLEGAL CONSTRUCTION AS ARBITRARY DISCRIMINATORY AND WITHOUT AUTHORITY OF LAW, VIOLATIVE OF ARTICLE 14 OF THE CONSTITUTION OF INDIA.

Counsel for the Petitioner: MR.B.NALIN KUMAR

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.4: MR.VINOD KUAMR DESHPANDE

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the respondents to stop the illegal and unauthorized constructions that were being carried on the site belonging to the Gram Panchayat and to declare the action of the first respondent in granting the said premises to the father of the fourth respondent and the construction made thereon as illegal and to demolish the same.

3. It appears that some constructions were undertaken in the site belonging to the Gram Panchayat, which was ear marked as “Green Belt”, and is abutting the R & B road boundary at Kodad. In this regard, permission also appears to have been granted by the first respondent.

4. It is to be seen that the petitioner appears to be a Social Worker and a Ward Member of Kodad Gram Panchayat.

5. Except the fact that the petitioner is a Social Worker and a Ward Member of Kodad Gram Panchayat, no other information as to the authorization of the petitioner for filing the present writ petition is

forthcoming. Hence, the present writ petition cannot be treated as “Public Interest Litigation.” Further more, it appears that there is lot of litigation initiated by the petitioner.

6. In the counter-affidavit, filed by the first respondent, it is stated that there was no “Green Belt” area identified and in fact the fourth respondent applied on 23-03-1995 to the Gram Panchayat seeking permission for construction of first floor on the existing residential house and also for construction of four shops in the front yard facing the existing residential building. Notices were also issued in this regard under the Building Rules by the Gram Panchayat and, in response to the same, no objections have been received from the public. Subsequently, the petitioner herein had submitted a representation to the Gram Panchayat requesting the respondents to stop the construction that was being made by the fourth respondent.

7. From the averments made in the counter-affidavit, filed by the first respondent, it is clear that there was no identified area as “Green Belt” plot in the disputed site and there was already a building constructed by the fourth respondent.

8. Having regard to the above facts and circumstances, the contention of the petitioner that there was an area identified as “Green Belt” in the disputed site is totally baseless. Hence, the writ petition is liable to be dismissed.

9. In the result, the writ petition is dismissed. However, there shall be no order as to costs.

The interim direction granted by this Court in W.P.M.P.No.27107 of 1995, dated 28-09-1995, is hereby vacated.

D.S.R.VARMA, J

09TH SEPTEMBER 2004

KRK

To:

1.The Executive Officer, Gram Panchayat, Kodad, Nalgonda District.
2.The Mandal Revenue Officer, Kodad Mandal, Nalgonda District.
3.The Deputy Executive Engineer (R&B), Huzurnagar, Nalgonda District.

4.Two C.Cs to the Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, A.P., Hyderabad (OUT).

5.Two C.D. Copies.